

Applicant's or agent's file reference MU03A02/P-WO	International application No.
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**INDICATIONS RELATING TO DEPOSITED MICROORGANISM  
OR OTHER BIOLOGICAL MATERIAL**

(PCT Rule 13bis)

A. The indications made below relate to the deposited microorganism or other biological material referred to in the description on page <u>12</u> , line <u>21 - 28</u> .	
B. IDENTIFICATION OF DEPOSIT Further deposits are identified on an additional sheet <input type="checkbox"/>	
Name of depositary institution DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH	
Address of depositary institution (including postal code and country)  Mascheroder Weg 1b 38124 Braunschweig DE	
Date of deposit November 14, 2003	Accession Number DSM ACC2630
C. ADDITIONAL INDICATIONS (leave blank if not applicable) This information is continued on an additional sheet <input type="checkbox"/>	
D. DESIGNATED STATES FOR WHICH INDICATIONS ARE MADE (if the indications are not for all designated States)	
Europa The applicant hereby requests that, until the publication of the mention of the grant of a European patent or for 20 years from the date of filing if the application is refused or withdrawn or deemed to be withdrawn, the biological material shall be made available as provided in Rule 28(3) EPC only by the issue of a sample to an expert nominated by the requester (Rule 28(4) EPC).  Continued on additional sheets	
E. SEPARATE FURNISHING OF INDICATIONS (leave blank if not applicable)	
The indications listed below will be submitted to the International Bureau later (specify the general nature of the indications e.g., "Accession Number of Deposit")	

For receiving Office use only	For International Bureau use only
<input checked="" type="checkbox"/> This sheet was received with the international application	<input type="checkbox"/> This sheet was received by the International Bureau on:
Authorized officer Elisabeth Speiser Tel: (070) 3401023	Authorized officer

**DSMZ Deposit No. DSM ACC2630****Australia**

The applicant hereby gives notice that the furnishing of a sample of a microorganism shall only be effected prior to the grant of a patent, or to the lapsing, refusal or withdrawal of an application, to a person who is a skilled addressee without an interest in the invention (Regulation 3.25(3) of the Australian Patents Regulation).

**Canada**

The applicant requests that, until either a Canadian patent has been issued on the basis of an application or the application has been refused, or is abandoned and no longer subject to reinstatement, or is withdrawn, the Commissioner of Patents only authorizes the furnishing of a sample of deposited biological material referred to in the application to an independent expert nominated by the Commissioner.

**Denmark**

The applicant hereby requests that, until the application has been laid open to public inspection (by the Danish Patent and Trademark Office), or has been finally decided upon by the Danish Patent and Trademark Office without having been laid open to public inspection, the furnishing of a sample shall only be effected to an expert in the art. Any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by the Danish Patent and Trademark Office or any person approved by the applicant in the individual case.

**Finland**

The applicant hereby requests that, until the publication of the mention of the grant of a patent by the National Board of Patents and Registration or for 20 years from the date of filing if the application has been finally decided upon without resulting in the grant of a patent by the National Board of Patents and Registration, the furnishing of a sample shall only be effected to an expert in the art. Any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by the National Board of Patents and or any person approved by the applicant in the individual case.

**Iceland**

The applicant hereby requests that, until a patent has been granted or a final decision taken by the Icelandic Patent Office concerning an application which has not resulted in a patent, the furnishing of a sample shall only be effected to an expert in the art. Any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by Icelandic Patent Office or any person approved by the applicant in the individual case.

**Norway**

The applicant hereby requests that, until the application has been laid open to public inspection (by the Norwegian Patent Office), or has been finally decided upon by the Norwegian Patent Office without having been laid open to public inspection, the furnishing of a sample shall only be effected to an expert in the art. Any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by Norwegian Patent Office or any person approved by the applicant in the individual case.

**DSMZ Deposit No. DSM ACC2630****Singapore**

The applicant hereby requests that the furnishing of a sample of a microorganism shall only be made available to an expert.

**Slovenia**

The applicant hereby requests that the furnishing of samples to a third party is subject to the condition that that party: (a) has the right to demand that a sample of the microorganism be made available; (b) has undertaken to ensure that the applicant does not authorize access to the sample of the deposited microorganism to any third party before the expiry of the prescribed period of validity of the patent.

**Spain**

The applicant hereby requests that, until the publication of the mention of the grant of a Spanish patent or for 20 years from the date of filing if the application is refused or withdrawn, the biological material shall be made available as provided in Article 45 SPL only by the issue of a sample to an independent expert.

**Sweden**

The applicant hereby requests that, until the application has been laid open to public inspection (by the Swedish Patent Office), or has been finally decided upon by the Swedish Patent Office without having been laid open to public inspection, the furnishing of a sample shall only be effected to an expert in the art. Any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by the Swedish Patent Office or any person approved by the applicant in the individual case.

**Switzerland**

The applicant hereby requests that the furnishing of samples to a third party is subject to the condition that that party indicates to the depository institution its name and address for the purpose of information of the depositor and undertakes: (a) not to make available the deposited culture or a culture derived from it to a third party; (b) not to use the culture outside the purview of the law; (c) to produce, in case of a dispute, evidence that the obligations under items (a) and (b) have not been violated.

**The former Yugoslav Republic of Macedonia**

The applicant hereby requests that the furnishing of samples to a third party is subject to the condition that that party: (a) has a right to demand that a sample of the viable biological or microbiological material be made available; (b) has undertaken to ensure that the applicant does not authorize access to the sample of the deposited viable biological or microbiological material to any third party before the expiry of the prescribed period of validity of the patent.

**United Kingdom**

The applicant hereby gives notice and requests that a sample should be made available only to an expert.

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE



## INTERNATIONAL FORM

multimmune GmbH  
c/o Klinikum der Universität Regensburg  
Franz-Josef-Strauss-Allee 11  
93053 Regensburg

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: cm Hsp70.2	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  DSM ACC2630
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
<p>The microorganism identified under I. above was accompanied by:</p> <p>( ) a scientific description ( ) a proposed taxonomic designation</p> <p>(Mark with a cross where applicable).</p>	
III. RECEIPT AND ACCEPTANCE	
<p>This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2003-11-14 (Date of the original deposit).</p>	
IV. RECEIPT OF REQUEST FOR CONVERSION	
<p>The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).</p>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
<p>Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH</p> <p>Address: Mascheroder Weg 1b D-38124 Braunschweig</p>	<p>Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):</p> <p><i>V. Wehs</i></p> <p>Date: 2003-11-27</p>

<sup>1</sup> Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.


BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE



## INTERNATIONAL FORM

multimmune GmbH  
c/o Klinikum der Universität Regensburg  
Franz-Josef-Strauss-Allee 11  
93053 Regensburg

VIABILITY STATEMENT  
issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: multimmune GmbH c/o Klinikum der Universität Regensburg Address: Franz-Josef-Strauss-Allee 11 93053 Regensburg	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2630 Date of the deposit or the transfer: 2003-11-14
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 2003-11-17 On that date, the said microorganism was (X) <sup>1</sup> viable ( ) <sup>2</sup> no longer viable	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED <sup>4</sup>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 2003-11-27

- <sup>1</sup> Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).  
<sup>2</sup> In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.  
<sup>3</sup> Mark with a cross the applicable box.  
<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

**DSMZ**  
Deutsche Sammlung von  
Mikroorganismen und  
Zellkulturen GmbH

INTERNATIONAL FORM

EPO - DG 1

04. 01. 2005

multimmune GmbH  
c/o Klinikum der Universität Regensburg  
Franz-Josef-Strauss-Allee 11  
  
93053 Regensburg

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
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<b>III. RECEIPT AND ACCEPTANCE</b>	
<p>This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2003-11-14 (Date of the original deposit)<sup>1</sup>.</p>	
<b>IV. RECEIPT OF REQUEST FOR CONVERSION</b>	
<p>The microorganism identified under I. above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).</p>	
<b>V. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
<p>Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH</p> <p>Address: Mascheroder Weg 1b D-38124 Braunschweig</p>	<p>Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):</p> <p><i>V. Weh</i></p> <p>Date: 2003-11-27</p>

<sup>1</sup> Where Rule 5.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.